

House File 247 - Introduced

HOUSE FILE 247

BY SHIPLEY

A BILL FOR

1 An Act prohibiting the required immunization of children prior
2 to enrollment in a licensed child care center or elementary
3 or secondary school in Iowa and providing for a repeal.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 139A.7A Required immunization
2 prohibited — elementary and secondary schools — licensed child
3 care centers.

4 1. A parent or legal guardian shall not be required
5 to assure that the person's minor children residing in
6 the state are adequately immunized against diphtheria,
7 pertussis, tetanus, poliomyelitis, rubeola, rubella, varicella,
8 haemophilus influenza B and invasive pneumococcal disease,
9 hepatitis type B, meningococcal disease, or any other disease.

10 2. A person shall not be required to provide evidence of
11 adequate immunization against diphtheria, pertussis, tetanus,
12 poliomyelitis, rubeola, rubella, varicella, haemophilus
13 influenza B and invasive pneumococcal disease, hepatitis type
14 B, meningococcal disease, or any other disease to be enrolled
15 in any licensed child care center or elementary or secondary
16 school in Iowa.

17 Sec. 2. Section 239B.12, subsection 1, Code 2021, is amended
18 to read as follows:

19 1. To the extent feasible, the department shall determine
20 the immunization status of children receiving assistance under
21 this chapter. ~~The status shall be determined in accordance~~
22 ~~with the immunization recommendations adopted by the Iowa~~
23 ~~department of public health under section 139A.8, including the~~
24 ~~exemption provisions in section 139A.8, subsection 4.~~ If the
25 department determines a child is not in compliance with the
26 immunization recommendations, the department shall refer the
27 child's parent or guardian to a local public health agency for
28 immunization services for the child and other members of the
29 child's family.

30 Sec. 3. Section 299.4, subsection 1, Code 2021, is amended
31 to read as follows:

32 1. The parent, guardian, or legal custodian of a child
33 who is of compulsory attendance age, who places the child
34 under competent private instruction under [section 299A.2](#), not
35 in an accredited school or a home school assistance program

1 operated by a school district or accredited nonpublic school,
 2 shall furnish a report in duplicate on forms provided by the
 3 public school district, to the district by September 1 of the
 4 school year in which the child will be under competent private
 5 instruction. The secretary shall retain and file one copy
 6 and forward the other copy to the district's area education
 7 agency. The report shall state the name and age of the child,
 8 the period of time during which the child has been or will be
 9 under competent private instruction for the year, an outline
 10 of the course of study, texts used, and the name and address
 11 of the instructor. The parent, guardian, or legal custodian
 12 of a child, who is placing the child under competent private
 13 instruction for the first time, shall also provide the district
 14 with evidence ~~that the child has had the immunizations required~~
 15 ~~under [section 139A.8](#), and, if the child is elementary school~~
 16 ~~age, that the child has had a blood lead test in accordance~~
 17 ~~with [section 135.105D](#). The term "outline of course of study"~~
 18 shall include subjects covered, lesson plans, and time spent
 19 on the areas of study.

20 Sec. 4. REPEAL. Section 139A.8, Code 2021, is repealed.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
 23 the explanation's substance by the members of the general assembly.

24 This bill provides that a parent or legal guardian shall not
 25 be required to assure that the person's minor children residing
 26 in the state are adequately immunized against certain diseases.
 27 Additionally, a person shall not be required to provide
 28 evidence of adequate immunization against certain diseases to
 29 be enrolled in any licensed child care center or elementary or
 30 secondary school in Iowa.

31 The bill repeals Code section 139A.8 (immunization of
 32 children) which requires a parent or legal guardian to assure
 33 that the person's minor children residing in the state are
 34 adequately immunized against certain diseases and prohibits a
 35 person from being enrolled in any licensed child care center

1 or elementary or secondary school in Iowa without evidence
2 of adequate immunizations against certain diseases. The
3 Code section also authorizes the state board of health to
4 modify or delete any of the required immunizations, provides
5 exemptions from immunization, provides provisional enrollment
6 in an elementary or secondary school or licensed child care
7 center, specifies the duties of local boards of health in
8 furnishing the department of public health with evidence of
9 vaccination of each person enrolled in any elementary or
10 secondary school, requires local boards of health to provide
11 the required immunizations to children in areas where no local
12 provision of these services exists, and provides for adoption
13 of administrative rules to implement the Code section.
14 The bill makes conforming changes in the Code to reflect the
15 repeal of Code section 139A.8.